

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION**

**B. B., a minor, by and
through his mother and next friend,
OWENA KNOWLES,**

Plaintiff,

v.

**PAWN CITY, INC., INTERSTATE
ARMS CORP., and NORINCO a/k/a
CHINA NORTH INDUSTRIES CORP.,
et al.,**

Defendants.

Case No.: 3:06-cv-00715-MHT

REPORT OF THE PARTIES' PLANNING MEETING

1. Pursuant to Fed. R. Civ. P. 26(f) and this Court's Order dated August 21, 2006, a meeting was held on August 29, 2006, by telephone conference and was attended by:

- a. Kenneth W. Hooks and David J. Hodge for Plaintiff;
- b. John D. Gleissner for Defendant Pawn City, Inc.;
- c. Todd M. Higey for Defendant Interstate Arms Corp.; and
- d. James C. Barton, Jr. and Alan D. Mathis for Defendant Norinco.

2. **Pre-Discovery Disclosures:** The parties will exchange by *October 20, 2006*, the information required by Fed. R. Civ. P. 26(a)(1), to the extent not already accomplished prior to removal.

3. **Discovery Plan:** The parties jointly propose to the Court the following discovery plan:

(a) **Subjects:** Discovery will be needed on the following subjects: allegations of the Plaintiff's Complaint, alleged damages, and Defendants' defenses;

(b) **Discovery Deadline:** All discovery commenced in time to be completed by *April 20, 2007*.

(c) **Interrogatories:** Maximum of **40** interrogatories, including subparts, by each party to any other party. Responses due 30 days after service.

(d) **Requests for Admission:** Maximum of **30** requests for admission, including subparts, by each party to any other party. Responses due 30 days after service.

(e) **Requests for Production:** Maximum of **40** requests for production, including subparts, by each party to any other party. Responses due 30 days after service.

(f) **Depositions:** Maximum of **10** additional depositions by the Plaintiff and **10** additional depositions by the Defendants. Each deposition is limited to a maximum of 7 hours unless extended by agreement of the parties.

(g) **Expert Testimony:** The disclosure of expert witnesses including complete reports under Fed. R. Civ. P. 26(a)(2) from any retained or specially employed experts are due:

(i) From the Plaintiff by: *January 12, 2007*.

(ii) From the Defendants by: *March 16, 2007*.

(iii) The parties agree that they may need additional time if necessary to comply with a recent decision of the Supreme Court of Alabama regarding the statutory definition of the practice of engineering and the legal effect of engineers (licensed and unlicensed) giving expert testimony in Alabama.

(h) **Supplementation:** Supplementation under Rule 26(e) due within 30 days of knowledge of the need to supplement but not later than 30 days before the completion of discovery.

4. **Other Items:**

(a) **Scheduling Conference:** The parties do not request a conference with the Court before entry of the scheduling order.

(b) **Pretrial Conference:** The parties request a pretrial conference on *August 8, 2007*.

(c) **Pleadings and Parties:**

(i) Plaintiff should be allowed until *November 3, 2006*, to join additional parties and amend the pleadings.

(ii) Defendants should be allowed until *December 1, 2006*, to join additional parties and amend the pleadings.

(d) **Dispositive Motions:** All potentially dispositive motions must be filed by *May 4, 2007*.

(e) **Settlement:** Settlement cannot be evaluated prior to the parties conducting further discovery.

(f) **Final Lists:** Final lists of witnesses and exhibits under Rule 26(a)(3) should be due on *July 6, 2007*. Parties should have *14* days after service of final lists of witnesses and exhibits to list objections under Rule 26(a)(3).

(g) **Trial:** The case should be ready for trial on *September 5, 2007*.

s/ David J. Hodge

Kenneth W. Hooks

Chris T. Hellums

David J. Hodge

Attorneys for Plaintiff

PITTMAN, HOOKS, DUTTON, KIRBY & HELLUMS, P.C.

2001 Park Place North

1100 Park Place Tower

Birmingham, Alabama 35203

(205) 322-8880

(205) 328-2711 (facsimile)

OF COUNSEL

Nick Wooten, Esq.

WOOTEN & CARLTON, P.C.

P.O. Drawer 290

Lafayette, Alabama 36862

(205) 864-2132

(205) 864-2133 (facsimile)

s/ John D. Gleissner

John D. Gleissner

Attorney for Defendant Pawn City, Inc.

ROGERS & ASSOCIATES

3000 Riverchase Galleria, Suite 650

Birmingham, Alabama 35244

(205) 982- 4624

(205) 982-4630 (facsimile)

OF COUNSEL

s/ Todd M. Higey

Todd M. Higey

Attorney for Defendant
Interstate Arms Corp.

ADAMS and REESE LLP
2100 3rd Avenue North, Suite 1100
Birmingham, Alabama 35203
(205) 250-5000
(205) 250-5034 (facsimile)

OF COUNSEL

Curt M. Johnson, Esq.
JOHNSON CALDWELL & MCCOY
117 N. Lanier Avenue, Suite 201
Lanett, Alabama 36863
(334) 644-5101
(334) 644-5121 (facsimile)

s/ Alan D. Mathis

James C. Barton, Jr.
Alan D. Mathis

Attorneys for Defendant
China North Industries Corp.

JOHNSTON BARTON PROCTOR & POWELL LLP
2900 AmSouth/Harbert Plaza
1901 Sixth Avenue North
Birmingham, Alabama 35203
(205) 458-9400
(205) 458-9500 (facsimile)

OF COUNSEL